

*Original*

**CV-06-1489**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 31 2006 ★

BROOKLYN OFFICE

CHARLES SCHWARZ,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

CV - (RR)  
CR 02-366 (RR)

ORDER

APPEARANCES

DIARMUID WHITE  
BRENDAN WHITE  
White & White  
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New York, NY 10021  
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Attorneys for Petitioner

THE HONORABLE ROSLYNN R. MAUSKOPF  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK  
147 Pierrepont Street  
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By: Eric O. Corngold, Chief Assistant United States  
Attorney, Barbara D. Underwood, Counsel to the United  
States Attorney  
Attorneys for Respondent

RAGGI, District Judge:

Petitioner's motion to vacate his sentence under 28 U.S.C. § 2255 is hereby GRANTED for the reasons stated orally by the court on March 29, 2006. The previous judgment of conviction, entered on September 27, 2002, is VACATED and the case is set for resentencing.

SO ORDERED.

Dated: Brooklyn, New York  
March 30, 2006

s/Reena Raggi  
REENA RAGGI  
UNITED STATES DISTRICT JUDGE